

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

<b>LANDWORKS CREATIONS, LLC,</b> <b>Plaintiff,</b>  <b>v.</b>  <b>UNITED STATES FIDELITY AND</b> <b>GUARANTY COMPANY, and</b> <b>LOVETT SILVERMAN CONSTRUCTION</b> <b>CONSULTANTS, INC.</b> <b>Defendant,</b>	) ) ) ) ) ) C.A. No. 4:05-CV-40072-FDS ) ) ) ) )
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**DEFENDANT'S LIST OF PROPOSED TRIAL EXHIBITS**

USF&G's proposed exhibits are listed below. USF&G reserves the right to submit appropriate amendments and supplements to these exhibits.

<i>No.</i>	<i>Document</i>
1	Project Manual, dated July 2, 2002 Revised with Addenda September 26, 2002 Relevant sections only: 2060, 2100, 2200, 2240, 2250, 2511, 2515, 2525, 2649, 2705, 2710, 2713, 2930
2	Standard Form of Agreement Between Owner and Contractor, dated October 1, 2002 (Town of Shrewsbury and Standen)
3	Agreement between Standen and Landworks dated August 28, 2003
4	Takeover Agreement between USF&G and Town of Shrewsbury, executed in March 2004 (Chapter 93A/167D claim only)
5	CTM Contractor Deficiency List, dated March 19, 2004
6	Subcontractor Hold Agreement Conditional Partial Release between Landworks and USF&G, dated March 23, 2004
7	Contract Information Worksheet by Richard McGuinness from Jackson Construction Company
8	Work Assignment between St. Paul Fire and Marine Insurance Company and Lovett

	Silverman, revised April 13, 2004 (Chapter 93A/176D claim only)
9	Subcontract Agreement between Jackson Construction Company and Landworks dated April 29, 2004
10	Standard Form of Completion Agreement between USF&G and Completion Contractor (Jackson Construction Company) dated May 11, 2004
11	Jackson's Oak Middle School Completion Game Plan dated July 20, 2004
12	Landworks Daily Field Report, dated July 22, 2004
13	Fax Transmittal to Neal Matthews, Landworks from Jennifer Mitchell, Jackson Construction Company dated July 26, 2004 attaching the athletic field site report by Waterman Design dated July 1, 2004
14	Letter to Todd Manning and Katie Crockett, Lamoureux Pagano Associates from Jeff Richards, Waterman Design Associates, Inc. dated August 26, 2004
15	Letter to Katie Crockett, Lamoureux Pagano Associates from Jim Kokernak, CTM re: Project #0204 dated September 20, 2004
16	CTM Site Work Items to be completed, dated September 22, 2004
17	Landworks' Weekly Payroll Report Form, Work Week Ending dated September 25, 2004
18	Fax Transmittal to Neal Matthews, Landworks from Jennifer Fletcher, Jackson Construction Company dated October 19, 2004 attaching letter to Richard McGuinness, Jackson Construction Company from Kathryn Crockett, Lamoureux Re: Site walks and ramps
19	Letter to Mr. Todd Manning and Ms. Katie Crockett, Lamoureux Pagano Associates from Jeff Richards, RLA, Associate, Waterman Design Associates dated December 7, 2004 Re: Deficiencies List – Fall '04
20	Letter to Mr. Jack Ferguson, CTM from Michael A. Pagano, A.I.A., Lamoureux Pagano Associates dated February 2, 2005 Re: Requisition #23. Attachments: Monetized Punch List Summary Allowances for Unfinished Items
21	Email to Al Falango from Bill Meritz, Lovett-Silverman dated September 8, 2005 Re: Shrewsbury Middle School – Job Progress Meeting 9/6/05 (Chapter 93A/176D only)

22	E-mail to Jason Goodwin from Bill Meritz, Lovett-Silverman dated September 22, 2005 Re: Athletic Equipment (Chapter 93A/176 only)
23	Release, Assignment and Settlement Agreement between USF&G and Jackson Construction Co. signed on or about January, 2006
24	E-mail to Robert Bullock/ Bob Morel from Jason Goodwin, GR Construction dated February 1, 2006 Re: Actual Cost for Site Work Scope and Rework (Remaining)
25	G&R Invoices for Site Work Invoices Nos. 05006-01 – 05006-05 05006-10 – 05006-14
26	Robert Bullock drawing prepared July 2005
27	Photographs

Respectfully submitted,

**UNITED STATES FIDELITY &  
GUARANTY COMPANY,  
By its attorneys,**

/s/ Peter G. Hermes

Peter G. Hermes, BBO No. 231840  
Cynthia J. Stephens, BBO No. 560670  
HERMES, NETBURN, O'CONNOR  
& SPEARING, P.C.  
265 Franklin Street, Seventh Floor  
Boston, MA 02110-3113  
(617) 728-0050; (617) 728-0052 (F)

Dated: May 13, 2008

#### **CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants (none) on May 13, 2008.

/s/ Peter G. Hermes

Peter G. Hermes

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